

**HAGLER RANCH ACQUISITION
(ELK ISLAND WILDLIFE MANAGEMENT AREA ADDITION AND
FISHING ACCESS SITE)**

**Montana Board of Land Commissioners
November 17, 2008**

Acquiring Agency: Department of Fish, Wildlife & Parks

Land Interest: Fee Ownership

Cost/Value: The proposed acquisition would be purchased for the appraised value of \$332,822.

Property Size/

Location:

The property consists of 163.43 acres of Yellowstone River bottom approximately 3 miles northeast of Savage and adjacent to the existing Elk Island Wildlife Management Area in Richland County.

Resource Values:

The acquisition would protect riparian habitat and enhance the functionality and broaden the "footprint" of the existing Elk Island Wildlife Management Area. Development of a Fishing Access Site would provide access to a stretch of river that is currently only accessible during high flows or through private land, provide public recreational access to several publicly owned islands in the Yellowstone River, and prevent subdivision of important wildlife habitat in the Yellowstone River riparian corridor. The site would provide the public with many recreational opportunities including; hunting, boating, fishing, wildlife watching and agate picking.

Process:

FWP Draft Environmental Assessment was released on September 25, 2008, and comments were accepted through October 14. **Decision Notice** was issued by FWP on October 15, 2008, **recommending acceptance of the land acquisition**. The local fisheries biologist met with Richland County Commissioners on October 8, 2008 to inform them of the proposal, answer any questions, and solicit comments. A public hearing was held in Savage, Montana on October 9, 2008. Nine written or emailed comments were received, all in favor of the fee title purchase. Richland County Commissioners expressed no opposition to the proposal. Four individuals attended the public hearing in Savage; where two favorable comments were expressed.

FWP Commission Approval is anticipated on November 10, 2008.

FWP COMMISSION AGENDA ITEM COVER SHEET

Meeting Date: Nov. 10, 2008

Agenda Item: Elk Island FAS/WMA

Division: Parks

Action Needed: Approval of Final Action

Time Needed on Agenda for this Presentation: 10 Minutes

Background: Proposed is the fee title purchase of 163.43 acres of Yellowstone River bottomland owned by Barbara Hagler, adjacent to Elk Island WMA (see attached map –land under consideration is cross hatched in white and identified as “Proposed Purchase”).

The purchase, management and development of this site would enhance the functionality and broaden the “footprint” of the WMA; reclaim cottonwood riparian habitat, increase recreational opportunity and help minimize recreational conflicts with neighbors. This property also provides access to the Yellowstone River and a location for a Fishing Access Site (FAS). The site would provide the public with many recreational opportunities including; hunting, boating, fishing, wildlife watching and agate picking and access to publically owned islands. Management activities would include reclaiming the 70 acres of irrigated cropland to a combination of native riparian vegetation, dense nesting cover, brood cover and winter food plots for resident wildlife. The existing native riparian habitat (95 acres) would be maintained.

Public Involvement Process & Results: Environmental Assessment was completed and provided to the public. A public comment period for the EA and Management Plan ran from September 25-October 14, 2008. A public meeting was held in Savage MT on October 9, 2008. Of the 9 written or emailed comments received, all supported the Proposed Action.

Alternatives and Analysis:

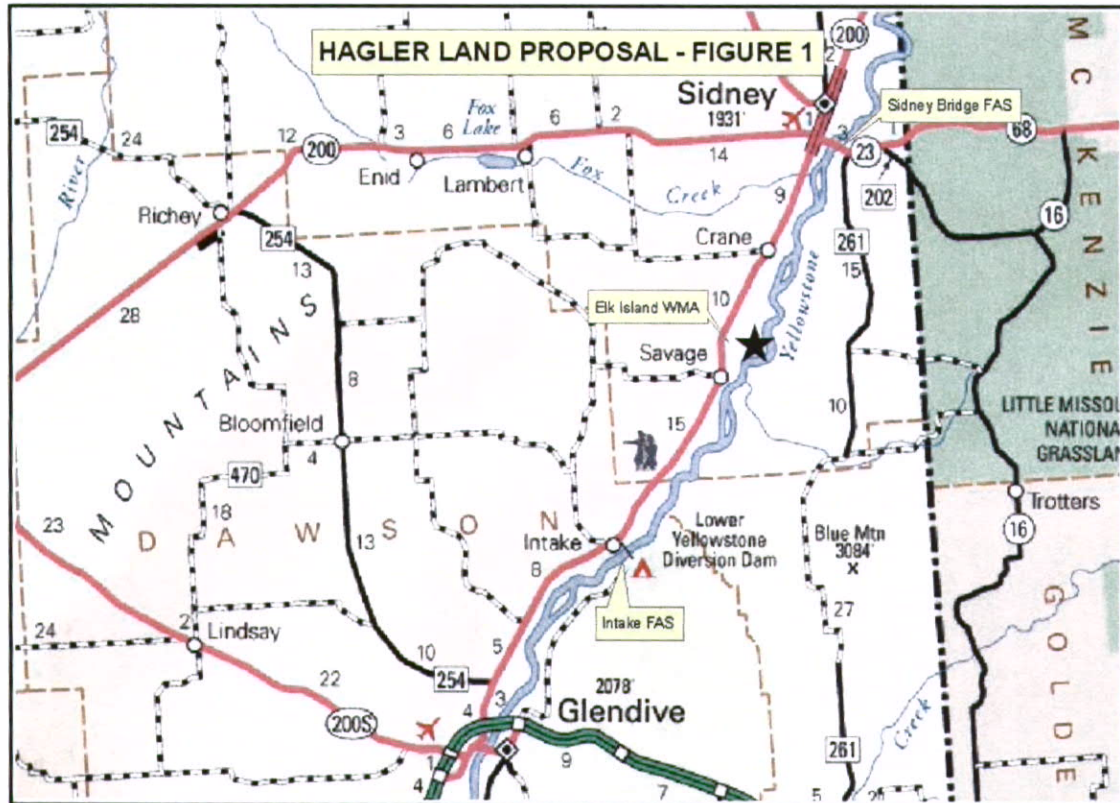
Proposed Action: FWP proposes to purchase 163.43 acres of wildlife habitat adjacent to Elk Island WMA along the Yellowstone River. FWP would secure permanent public access to this land, as well as access to the Yellowstone River and a location for a new FAS. This project would conserve animal and plant species biodiversity and important wildlife habitat that exists on these lands.

No Action alternative: FWP would forgo the opportunity to purchase the property. There would be no guarantee of public access to the property for recreation, and land access to the Yellowstone River would not be secured for the public.

Agency Recommendation & Rationale:

FWP recommends approval by the FWP Commission to proceed with the fee title purchase of Yellowstone River bottomland from Barbara Hagler for the agreed upon price of \$332,822. This project will conserve and protect important riparian/cropland habitats along the Yellowstone River and provide permanent public recreational access.

Proposed Motion: Move to support the Department’s recommendation to purchase 165 acres of Yellowstone River bottomland from Barbara Hagler.

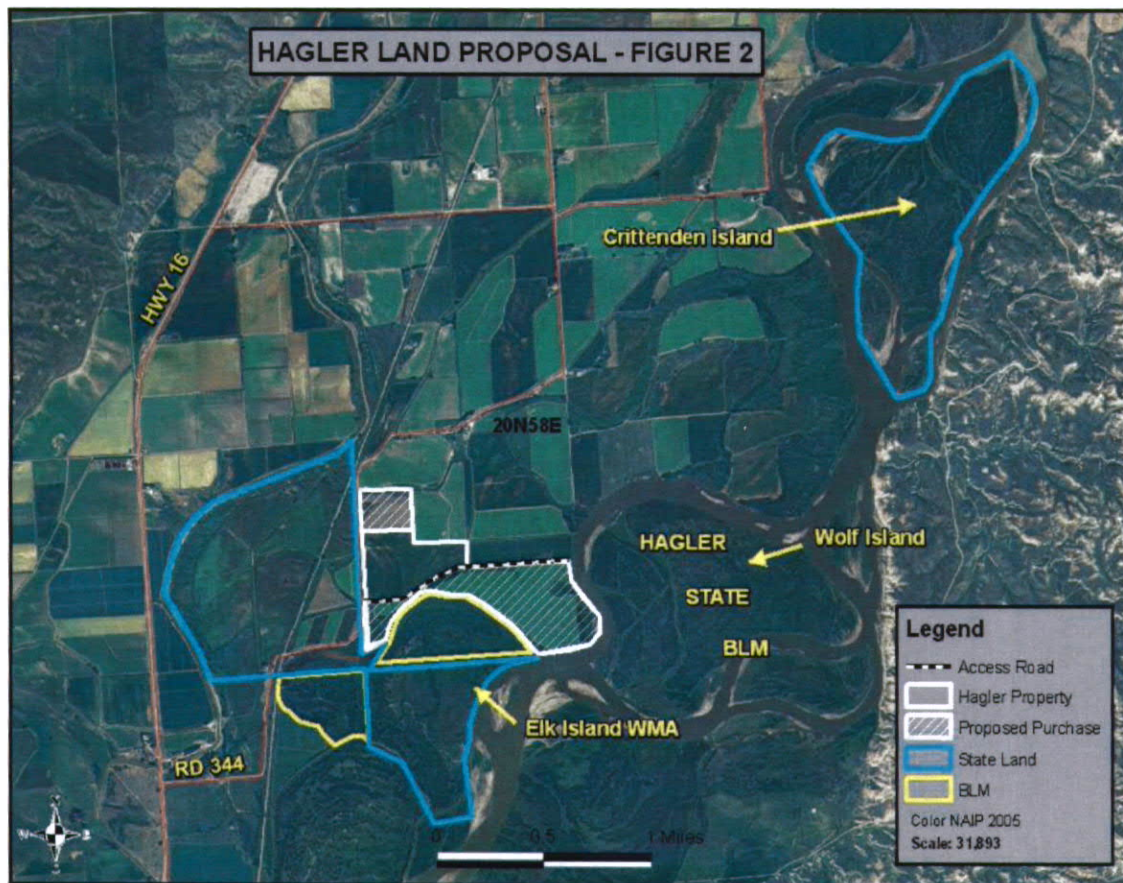


Montana Highway Map
Scale: 1:473,571

★ Hagler Property



0 5 10 Miles





Montana Fish, Wildlife & Parks

Box 1630
Miles City, MT 59301
October 15, 2008

DECISION NOTICE for the **DRAFT ENVIRONMENTAL ASSESSMENT** of the **HAGLER RANCH ACQUISITION**

Prepared by Region 7, Montana Fish, Wildlife & Parks

PROPOSED ACTION

Montana Fish, Wildlife & Parks (FWP) proposes the fee title purchase of approximately 165 acres of important wildlife habitat along the Yellowstone River. The property is located on the west side of the Yellowstone River and on Wolf Island and is approximately 3 miles northeast of Savage and adjacent to Elk Island Wildlife Management Area (WMA). This acquisition would provide for the protection of wildlife habitat, ensure public access to the Yellowstone River and river islands, and provide a location for a Fishing Access Site (FAS). Refer to the revised draft Environmental Assessment for a more detailed property description and map.

In proposing to acquire the Hagler Ranch, FWP seeks to meet the following needs: To protect and enhance riparian habitats; to enhance the functionality and broaden the "footprint" of Elk Island WMA and reduce recreational conflicts with the neighbors; to provide access to the Yellowstone River and a location for a new FAS; to provide public recreational access to several publicly owned islands in the Yellowstone River; to prevent subdivision of important wildlife habitat in the Yellowstone River riparian corridor.

PROCESS AND SUMMARY OF PUBLIC COMMENT:

DRAFT ENVIRONMENTAL ASSESSMENT

Legal public notification of the availability of a Draft Environmental Assessment (EA) evaluating this proposed action was published over the course of the comment period in the Sidney and Glendive newspapers. Notice of the proposed action and availability of the EA appeared in the Glendive, Sidney, and Billings papers and on the FWP website. In addition, electronic and hard copies of the Draft EA were distributed to neighboring landowners, interested individuals, organizations and county, state and federal agencies.

The public comment period began September 25, 2008 and ran through October 14, 2008. Howard Burt met with Richland County Commissioners on October 8, 2008 to

inform them of the proposal, answer any questions, and solicit comments. A public hearing was held in Savage, Montana on October 9, 2008. Nine written or emailed comments were received, all in favor of the fee title purchase. Richland County Commissioners expressed no opposition to the proposal. Four individuals attended the public hearing in Savage; where two favorable comments were expressed.

DECISION

Based on the analysis in the Draft EA public comments, I have determined that this action will not have a significant effect on the natural or human environment. Therefore, an Environmental Impact Statement will not be prepared.

After review of this proposal and the public comment and responses, it is my recommendation to the Department Director & FWP Commission that FWP proceed with the Hagler Ranch Acquisition.

No comments opposing the proposed project were received ; therefore, an appeal period is not applicable. There are no modifications to the Draft EA. The Draft EA, together with this Decision Notice, will serve as the final document for this proposal.

The EA and Decision Notice may be viewed at or obtained from Montana Fish, Wildlife and Parks at the address above or online at: <http://fwp.mt.gov/publicnotices/>

Please direct any further requests or questions to Dwayne Andrews, Acting Region Seven Supervisor, at the address above or dandrews@mt.gov.



Dwayne Andrews
Acting FWP Region Seven Supervisor

ENVIRONMENTAL ASSESSMENT

HAGLER RANCH ACQUISITION



*Montana Fish,
Wildlife & Parks*

REGION 7 HABITAT MONTANA PROPOSED LAND PROJECT

I. INTRODUCTION AND PROPOSED ACTION:

Montana Fish, Wildlife & Parks (FWP) proposes the fee title purchase of approximately 165 acres of important wildlife habitat along the Yellowstone River. The property is located on the west side of the Yellowstone River and on Wolf Island and is approximately 3 miles northeast of Savage and adjacent to Elk Island Wildlife Management Area (WMA).). The majority of the property consists of native Yellowstone River riparian/cropland habitat complex. The property is currently operated as a portion of a private ranch; which the current landowners are interested in selling. This acquisition would provide for the protection of wildlife habitat, ensure public access to the Yellowstone River and river islands, and provide a location for a Fishing Access Site (FAS).

The nearest functioning FASs' to the Hagler property along the Yellowstone River are located approximately 20 miles upstream (Intake) and 20 miles downstream (Sidney Bridge). Purchase of this site and development of a new FAS would provide access to a stretch of river that is currently only accessible during high flows or through private land. In addition the property will provide access by boat to Wolf (565 acres) and Crittenden (486 acres) Islands.

The purchase, development and management of this site would enhance the functionality and broaden the "footprint" of the adjacent WMA while helping minimize recreational conflicts with neighbors. Over the years FWP enforcement officers have responded to infrequent reports of trespassing on to neighboring private property by hunters on the WMA.

A purchase agreement has been signed with the sellers. Approximate purchase value is \$333,000.00. Final purchase value will be determined by the results of a survey commissioned by the sellers. The property would be purchased through a combination of funding sources, primarily FWP's Habitat Montana program and the Governor's Access Montana Initiative approved by the 2007 Legislature.

The scope of this Environmental Assessment (EA) primarily covers the acquisition of the property. Future significant management/development activities, such as FAS development, will be addressed by subsequent EAs.

In proposing to acquire the Hagler Ranch, FWP seeks to meet the following needs:

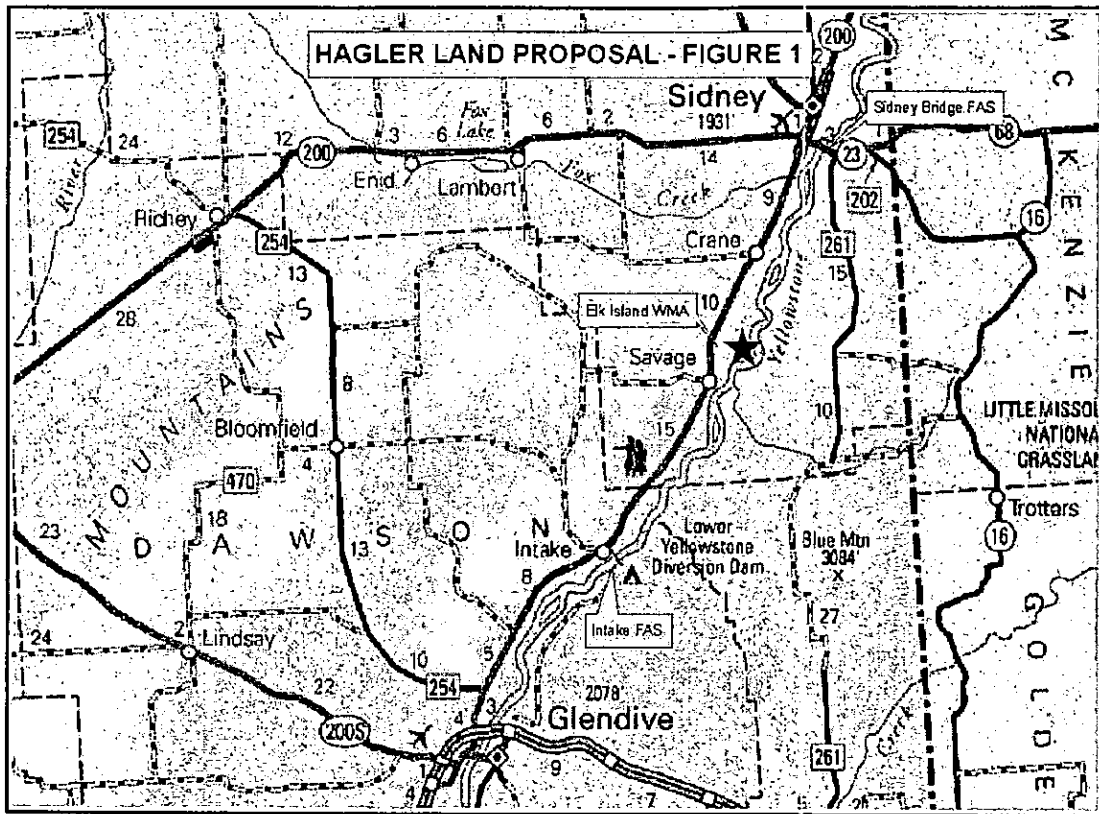
- To protect and enhance riparian habitats.
- To enhance the functionality and broaden the "footprint" of Elk Island WMA and reduce recreational conflicts with the neighbors.
- To provide access to the Yellowstone River and a location for a new FAS.
- To provide public recreational access to several publicly owned islands in the Yellowstone River.
- To prevent subdivision of important wildlife habitat in the Yellowstone River riparian corridor.



Riparian and wetland communities support the highest concentration of plants and animals in Montana. This importance is highlighted in the identification of riparian areas as a Community Type of Greatest Conservation Need in the Comprehensive Fish & Wildlife Management Strategy (CFWCS, FWP 2005), and as a priority in the 5-year Implementation Plan for the CFWCS. Protection and enhancement of riparian habitats is also the highest priority in FWP Region 7. This property consists mostly of high-quality riparian habitat along the Yellowstone River.

II. LOCATION

Location: FWP Administrative Region 7, Dawson County, Deer/Elk Hunting District 703, 3 miles northeast of Savage, Montana: Deeded – T20N R58E M.P.M. Sections 22, 23, 26 and 27: Containing portions of Tract 1 and Tract 2, COS 27-770 (to be surveyed) consisting of 165 acres, more or less. See Figures 1 & 2.



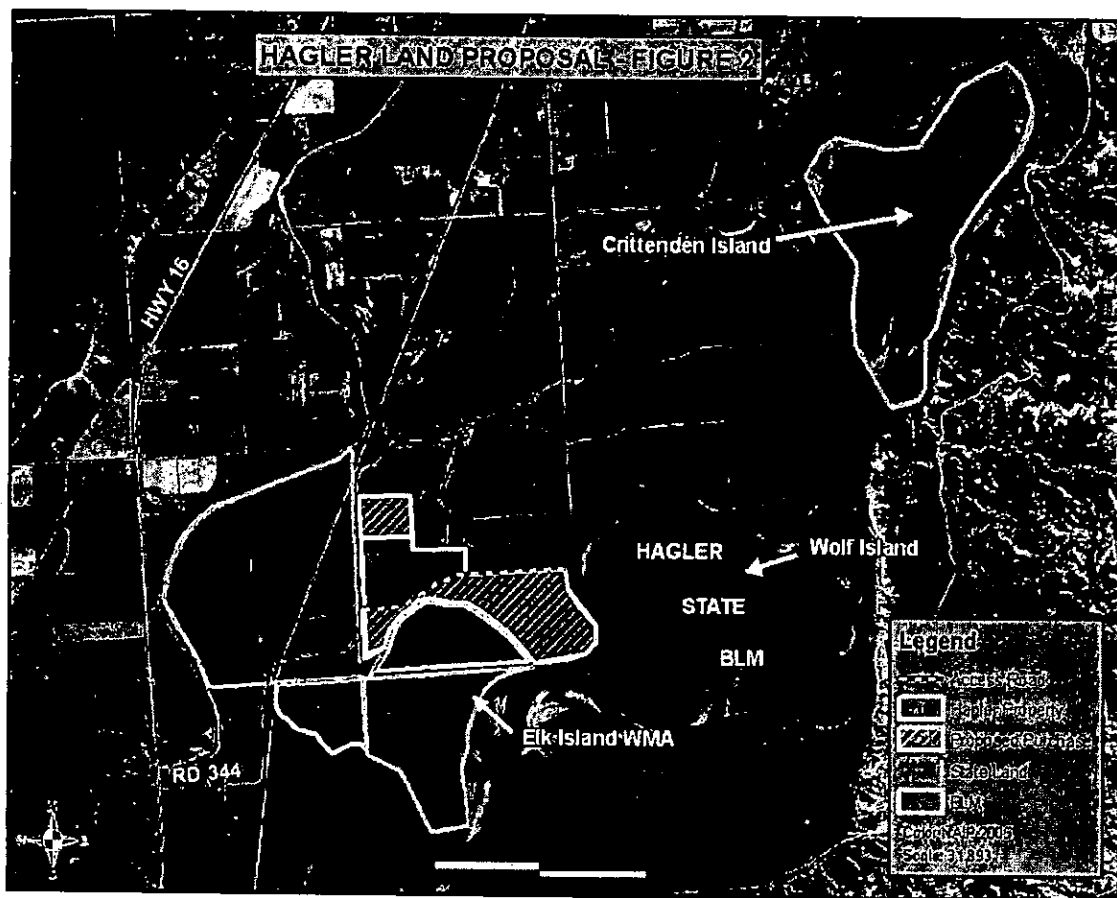
Montana Highway Map
Scale: 1:473,571

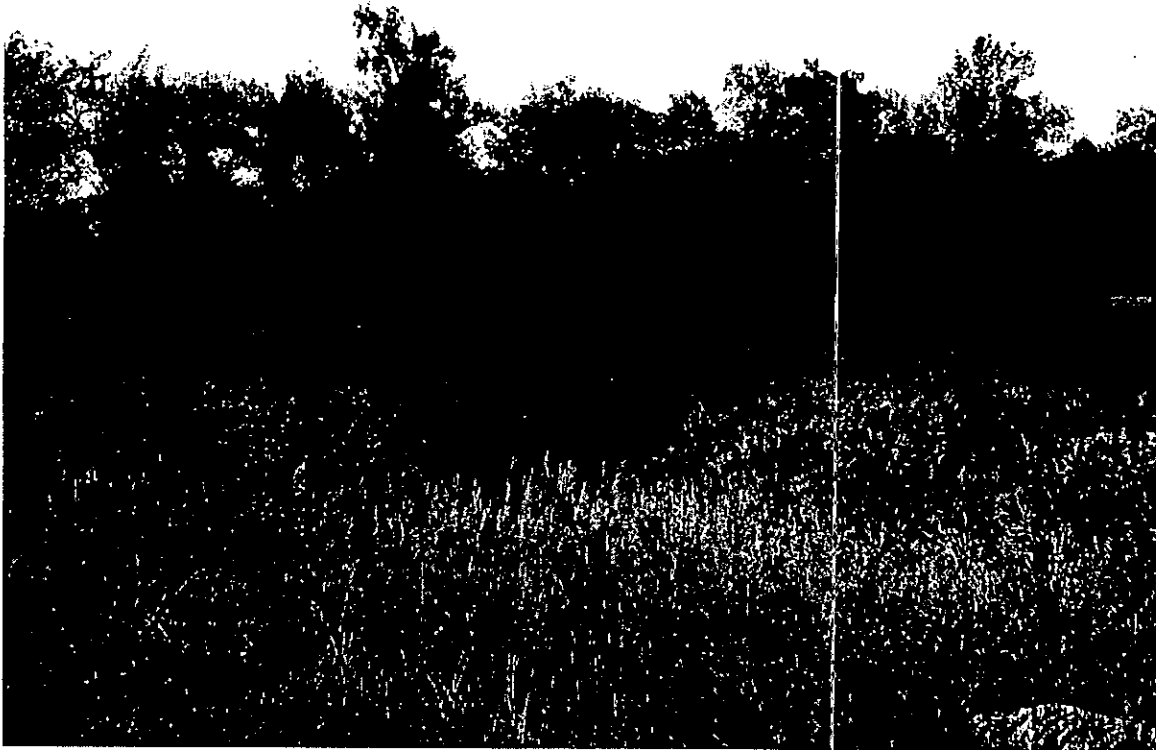


Hagler Property



0 5 10 Miles





III. EXISTING ENVIRONMENT

1. Habitat:

a) Identified Habitats: The primary habitat type on this property is Yellowstone River riparian/cropland complex.

The riparian habitat is very high quality with stands of cottonwoods, intermixed with willow, buffaloberry, and other shrubs. Wolf Island (565 acres) borders the property to the east and supports a unique intact, functioning cottonwood riparian system. There are also 70+ acres of irrigated fields in the river bottom that provide tremendous opportunity to enhance the wildlife value of the native habitats. The property has the necessary water rights to adequately water these fields for the entire growing season.

2. Land Criteria:

a) Resource Values: The property provides year round habitat for a variety of native species of neotropical migratory birds, endemic songbirds, a host of small mammals, and bats. The Yellowstone River provides important habitat for migratory wetland birds during the summer reproductive season and annual migration. American kestrels, northern harriers, red-tailed hawks, Swainson's hawks, and common nighthawks are common. Belted kingfishers, American

white pelicans and great blue herons are also found along the Yellowstone River. Two active bald eagle nests are located along the Yellowstone River within 2 miles of the property and winter use is common. The Hagler property provides habitat for at least 100 white-tailed deer, abundant pheasants, and 20-30 wild turkeys. Wood ducks nest in the area, and the oxbow lake on the property provides brood rearing and roosting areas for ducks and geese.

Riparian and wetland communities support the highest concentration of plants and animals in Montana. The lower Yellowstone River and its associated wetland/riparian and cropland complex are highly diverse and productive wildlife habitats with documented use of at least 127 vertebrate species. The pallid sturgeon, a federally listed species, has been observed along with 12 Species of Concern and 11 Tier 1 species listed in the Comprehensive Strategy as species in greatest need of conservation. In Montana, riparian habitats provide breeding and nesting areas for at least 134 (55%) of Montana's 245 species of breeding birds, as well as much-needed food and resting areas for migrating birds (J. Ellis, Montana Audubon, 2008).



Irrigated land in the river bottom totals about 70 acres. The ability to manage these acres to maximize high quality food production and/or nesting cover is an important addition to the habitat diversity on this property.

b) Threat Status: Imminent threats exist. This is probably a one-time opportunity to purchase a parcel of Yellowstone River riparian habitat and expand the existing WMA for public use and enjoyment. Several properties on the Yellowstone River have sold in the last year primarily for recreational values. This heightened interest makes any riparian habitat with public access along the Yellowstone River critical. A change in ownership would likely result in the loss of FWP's ability to positively impact the riparian habitat on the property and may have deleterious effects on conservation of adjacent lands FWP owns and the current and future recreational opportunities enjoyed by the public will likely be lost. The property has been listed with a real estate agent. The Haglers would like to see FWP purchase the property, but if FWP does not

pursue the project, family economics dictate selling to whoever makes the best offer. The land will probably change ownership within a year, most likely resulting in negative land uses, and elimination or severely restricting public recreational opportunities.

c) Degree of Protection: The 165 acres owned by Barbara Hagler is adjacent to Elk Island WMA and is listed with a real estate agent. This property will likely be purchased by interests that will manage the land in a manner that will not meet FWP objectives. Mrs. Hagler is not interested in a conservation easement on this tract and would like to sell to FWP. Acquisition by FWP and inclusion into the Elk Island WMA is a logical solution.

There is a possibility in the future to purchase a conservation easement or fee title purchase of the acres owned by the Hagler's on Wolf Island. This would ensure that conservation values and public recreational access will remain intact on the entire island.

d) Geographic Location: MFWP currently has interest in eight other parcels of land located along the Yellowstone River and managed, in part, to protect and enhance river bottom riparian habitat and recreational opportunities. These are located varying distances from the Hagler Ranch as follows:

1. Elk Island WMA – 1510 acres – adjacent to Haglers.
2. Seven Sisters WMA – 560 acres – 7 miles north.
3. F Island WMA – 119 acres – 11 miles north.
4. War Dance Island WMA – 12 acres – 12 miles south.
5. Intake FAS – 93 acres – 17 miles south.
6. Sidney Bridge FAS – 2 acres – 17 miles north.
7. Diamond Willow FAS – 82 acres – 24 miles north.
8. 3-Mile Island WMA – 8 acres – 27 miles south.

e) Conserve and Enhance Land, Water and Wildlife: Acquisition will protect this property from subdivision and other such development. Management of the property will enhance habitat for a variety of wildlife species. A diverse mixture of wildlife species associated with riparian and wetland habitats will benefit from the proposed project including a minimum of 25 species of song birds; 13 species of small mammals; 6 species of bats; 7 species of furbearers; 7 species of raptors and owls; and 8 species of reptiles and amphibians including spiny softshell and snapping turtles; white-tailed and mule deer; pheasants and sharp-tailed grouse; various species of ducks and geese; and possibly antelope.

This area is important to conserve because agricultural development of river bottom riparian is increasingly intensive along the Yellowstone River and public access is very limited.

The purchase of this property meets two of FWP's three major objectives for the Wildlife Division: habitat protection and enhancement, including the Habitat Montana priority of conserving riparian habitat and promoting public recreational access.

f) Contribute to Hunting and Fishing Opportunity: The Hagler Ranch is accessible off Montana Highway 16 by a good gravel county road. The ranch has allowed free public access for various recreational activities including hunting, fishing, trapping and agate picking. A review of existing Block Management areas along the Yellowstone River and taking into account that the property is adjacent to the Elk Island WMA suggests a minimum of 300 hunter days per year could occur on the property. The site also provides public access to Wolf and Crittenden Islands; two large mostly publicly owned islands that could provide several hundred hunter days of recreation per year. The development a FAS site on the property will provide access for fishing on a 40 mile stretch of the Yellowstone River that is currently only accessible at high flows or through private land. An estimated 250-300 fishing days could occur at this site.

g) Provide Incentives for Habitat Conservation on Private Land: Fee-title acquisition of this property and implementation of habitat enhancements and renovations will be sufficient to protect and enhance the sites habitat and recreational values. Additional habitat improvements will include reclaiming 70+ acres of irrigated farmland to allow native riparian cottonwood habitats to regenerate and managing as dense nesting, brood rearing and hiding cover and winter food plots for the benefit of resident wildlife.

h) Contribute to Non-hunting Recreation: The riparian and wetland habitats on this property provide excellent opportunities for wildlife viewing, berry and agate picking, hiking, photography, and nature study. The proposed site is immediately adjacent to Elk Island WMA and would enhance the functionality and broaden the footprint of the WMA. Any additional significant developments beyond existing roads, parking areas, signage and basic sanitary facilities (such as pit latrines) will be considered in subsequent EAs.

g) Protect Open Space and Scenic Areas: The property will be protected from subdivision and other such development in perpetuity.

i) Maintain Local Tax Base: FWP annually pays county governments an in-lieu-of-tax payment equivalent to the property tax that would be assessed on a private landowner. This payment will ensure that Richland County property-tax proceeds are not diminished by FWP ownership of the Hagler property.

3. Current Condition of Habitat: From a wildlife habitat standpoint the current condition of the 165 acres owned by Mrs. Hagler is fair to poor; based upon the intensive nature of irrigated agriculture. The 93.5 acres of native riparian/grassland is in fair condition. The large wetland that is the border of the property and Elk Island WMA is in good condition and provides excellent hiding and winter cover for a number of species. The existing riparian habitat is mostly intact with dense stands of willow, buffaloberry and chokecherry. The habitat condition of Wolf Island is excellent. This is an intact functioning cottonwood riparian system.

4. Current and Potential Recreation Opportunities: Current and potential recreational opportunities have been described above. Hunting, fishing, hiking, birding, and photography are just a few of the recreational opportunities that will be available to the public.

It is anticipated that the area will be managed for unlimited public use. As such, it is likely that there will be up to a 500 recreation days annually on this property. This use will be managed by regulating level and type of access, level and type of facilities provided and through implementing the standard FWP recreational use regulations (A.R.M 12.8.101 – 12.8.213), the FWP Commercial Use Rule (ARM 12.14.101- 12.14.170) and any special regulations developed for this property.

5. Other Management Considerations:

The proposed site is immediately adjacent to Elk Island WMA. The purchase, management and development of this site would enhance the functionality and broaden the footprint of the WMA while helping to minimize recreational conflicts with the neighbors. The current boundary between Elk Island WMA and the Hagler's land runs through a large wetland and accidental trespass occurs frequently. The purchase would provide a better defined boundary between the properties. The Hagler's have been very tolerant of accidental trespass from hunters but if the property were to sell for recreational purposes it is likely that the new landowner would not be as tolerant and this would probably require more time from FWP's Enforcement and Wildlife personnel handling problems.

This project should not increase game damage in this area. If anything, it will reduce game damage by allowing more hunting opportunities. Initially, the project will require some redirection of some of the Glendive biologist's and Region 7 Parks personnel time to implement the on-the-ground management applications and habitat enhancements including developing new dense nest cover plantings, fencing and development of the new FAS. The majority of this time commitment will be short-term and the project should not significantly require much more daily management effort than is being expended now.

Traditional landowners along the Yellowstone River continue to receive increasing pressure to sell their land for recreational purposes. The Hagler's have recently received and will likely continue to receive pressure to sell this property for recreational purposes. FWP has had a long and very good relationship with the Hagler family and they would prefer to sell the property to FWP rather than another party that may not have the same fundamental values of land management and public access. A change in landownership will likely not be as beneficial to wildlife as current management. Additionally, buyers with an agricultural interest may conduct practices that would irreversibly impact wildlife habitat. Cropland may be expanded, and additional brush and timber cleared and/or grazed more intensively. Any or all of these scenarios would have significant impacts to the value of this property and the adjacent Elk Island WMA for wildlife production and public use. The access presently enjoyed by the public on this property would likely be barred by future landowners, as is happening along much of the Yellowstone River riparian corridor.

6. Relation to the Comprehensive Fish & Wildlife Conservation Strategy (CFWCS 2005):

This property lies within the Lower Yellowstone River and Aquatic Tributaries Tier 1 Focus Area for aquatic habitats.

The table below lists the CFWCS Tier1 species that are predicted to occur in the area of the property:

Common Name	Scientific Name
Bald Eagle	<i>Haliaeetus leucocephalus</i>
Blue Sucker	<i>Cycleptus elongatus</i>
Burbot	<i>Lota lota</i>
Interior Least Tern	<i>Sterna antillarum athalassos</i>
Meadow Jumping Mouse	<i>Zapus hudsonius</i>
Northern Leopard Frog	<i>Rana pipiens</i>
Paddlefish	<i>Polyodon spathula</i>
Pallid Sturgeon	<i>Scaphirhynchus albus</i>
Sauger	<i>Sander canadensis</i>
Snapping Turtle	<i>Chelydra serpentine</i>
Spiny Softshell Turtle	<i>Apalone spinifera</i>
Sturgeon Chub	<i>Hybopsis gelida</i>



7. Overlapping Jurisdiction

The State Historic Preservation Office (SHPO) maintains documents and cultural resource surveys that identify all the State's known cultural and historic resources. SHPO also provides state agencies with guidance on how to preserve those resources in areas where groundbreaking activities occur.

ALTERNATIVES:

1. Alternative A – Proposed Action:

Montana Fish, Wildlife & Parks (FWP) proposes to acquire 165 acres of important wildlife habitat adjacent to Elk Island WMA along the Yellowstone River as described in this EA. Through the Proposed Action, FWP would secure permanent public access to this land, as well as access to the Yellowstone River and a location for a new FAS. This project would conserve animal and plant species biodiversity and important wildlife habitat that exists on these lands.

2. Alternative B – No Action:

Under the No Action alternative, FWP would forgo the opportunity to purchase the Hagler Ranch. There would be no guarantee of public access to the property for recreation, and land access to the Yellowstone River would not be secured for the public. It is possible that under the No Action alternative that this property will be subdivided and developed for rural homesites, with significant adverse impacts to natural habitats.

3. Alternatives Eliminated from Further Study

An alternative to purchasing the Hagler Ranch would be to purchase a conservation easement on the property, rather than acquiring direct-fee ownership. However, at this time, the property owner is not interested in selling a conservation easement, but rather fee title to the entire property. FWP cannot project the intent of future owners. Therefore, the alternative of purchasing a conservation easement was excluded from further study.

V. AFFECTED ENVIRONMENT AND POTENTIAL IMPACTS

1. Physical and Biological Environment

a) Land Resources

Proposed Action: Under the Proposed Action, land resources within the property would be protected and managed for fish and wildlife habitat values and recreational use. Much of the Yellowstone River riparian habitat has been converted to intensive agricultural or housing developments. There is substantial value in conserving this important wildlife habitat; those values will be maintained or improved with acquisition.

No Action: Under the No Action Alternative, it is highly likely that this property will be subdivided and maintained solely for private recreation. The No Action will not address a growing problem of decreasing public access to wildlife and recreation. Development of the property could result in the loss or disturbance of important fish and wildlife resources, including the existing native riparian habitat.

b) Air Quality

Proposed Action: Under the Proposed Action, air quality would be maintained or improved by managing vegetation for wildlife habitat. If future land management actions require burning, FWP would abide by state air quality regulations. Opening these currently closed lands to the public may cause a minor increase in dust from road travel to or within the location. Appropriate management of any road system within the site will reduce any increase in dust.

No Action: Under the No Action Alternative, there would be no change in air quality for this location assuming current management continues. No action on this parcel would allow for land uses (road dust, wood burning, etc) that could negatively affect local air quality.

c) Water Resources

Proposed Action: Under the Proposed Action, water resources on or adjacent to this parcel will be maintained or enhanced by protecting riparian areas. There are no proposed changes that would result in increased runoff, changes in drainage patterns, alteration of the river course (including flooding), changes in the quality or quantity of groundwater, and/or changes in water rights or other water uses. The existing 70 acres of cropland will be irrigated with water from the Yellowstone River under existing/associated water rights.

The irrigated cropland will be used to develop high quality habitat for a variety of wildlife species. Nesting cover and food plots may be developed for upland game birds, and forage may be grown for big game animals. Only enough water will be used to maintain these habitats for wildlife use. It is anticipated that this will require less water than that which is currently used for commercial agricultural operations.

No Action: Under the No Action Alternative, water resources on this land parcel will continue to be managed for commercial agricultural purposes.

d) Vegetation

Proposed Action: The Proposed Action would result in an improvement to the diversity, quantity and quality of native vegetation on the land parcel.

Currently, the property has a limited infestation of leafy spurge along the Yellowstone River. If the Proposed Acquisition is approved, FWP would assess the infestation and initiate integrated weed management to manage any noxious weeds currently on the property, and thereby reduce the potential impacts of spreading weeds with increased people-traffic in the area.

Native vegetation will be managed for its wildlife value. Irrigated croplands (70 acres) will be intensively managed to increase food availability and cover for upland game birds and other wildlife. This enhancement may include planting and maintaining of small-grain food plots, dense nesting cover for birds, and forage production for big game. Currently, FWP does not propose to reduce the acreage of agricultural land.

Riparian habitats will be managed by the exclusion of grazing or by periodic light grazing (low stocking rate) when necessary to maintain overall vegetation health.

No Action: Under the No Action Alternative, there is a high likelihood that this property will be subdivided and/or developed into a private hunting preserve. This development would likely result in negative impacts to the native plant communities, including an increase in noxious weeds due to building and road construction and disruption of soils. Development of the area could result in negative impacts to riparian vegetation, including increased run-off, reduced streamside vegetation, and armored riverbanks.

e) Fish & Wildlife Resources:

Proposed Action: Long-term impacts, under the Proposed Action, should be positive for fish and wildlife resources due to the protection and enhancement of habitat for all native species. Currently, the land parcel provides habitat for at least 100 white-tailed deer, many ring-necked pheasant, ducks, geese, and wild turkeys. The riparian vegetation community may provide nesting, resting and foraging habitat for up to 134 native species of birds.

A diverse mixture of wildlife species are associated with riparian and wetland habitats on the property including a minimum of 25 species of song birds; 13 species of small mammals; 6 species of bats; 7 species of furbearers; 7 species of raptors and owls; and 8 species of reptiles and amphibians including spiny shoftshell and snapping turtles; white-tailed and mule deer; pheasants and sharp-tailed grouse; various species of ducks and geese; and possibly antelope. The habitat available for the present species should be maintained and/or improved.

Because FWP management of this property would exclude the development of home sites near or within riparian areas, stream banks would be allowed to erode and build as the Yellowstone River changes course over time. Neighboring lands would not be forced to bear the brunt of erosive forces deflected by armored banks. Fish in the vicinity will benefit from allochthonous food sources available from healthy riparian habitat.

No Action: Due to the likelihood of development of this land parcel, fish and wildlife resources could be negatively impacted depending upon the plans of a new owner under the No Action Alternative.

2. Human Environment:

a) Noise and Electrical Effects:

Proposed Action: The proposed project may result in more people visiting the site, but should have no significant impact on noise levels, or create electrostatic effects that could be detrimental to human health, or interfere with radio or television reception.

No Action: No Action could result in development of the property, which could increase noise and electrical effects in the area. No development by other owners would result in no changes to noise and electricity in the area.

b) Land Use:

Proposed Action: Currently, the Hagler Ranch is a limited commercial agricultural operation. Under the Proposed Action, the area will be maintained as a natural area and FAS with increased public access. The property would be managed for fish and wildlife habitat in perpetuity, which should have no impact to surrounding land uses or residences.

No Action: Under the No Action Alternative this property may be maintained as a limited commercial agricultural operation with limited access to the natural areas by the public. The natural areas could be lost to residential development, if the area were subdivided.

c) Risk and Health Hazards:

Proposed Action: Under the Proposed Action, pesticides may be used to reduce or eradicate noxious weeds on the property, as per the 2008 FWP Statewide Integrated Noxious Weed Management Plan. Chemical spraying is part of FWP's integrated management program to manage noxious weeds. Trained, licensed professionals would conduct any weed treatment and storage/use of chemicals in accordance with Standard Operating Procedures and label instructions. The Proposed Action would not result in the creation of any human health hazards.

No Action: Under the No Action Alternative, current risks or health hazards could change in the future as the property changes ownership.

d) Community Impact, Aesthetics & Recreation:

Proposed Action: The Proposed Action would eliminate potential residential and industrial development of this natural area, and would provide public recreational access to this property and the Yellowstone River. The creation of a private hunting preserve may be averted through the Proposed Action, and would not hinder population growth in Richland County. Increased public access to recreation may provide additional outdoor recreation-based revenues for businesses in Richland County. The Proposed Action will maintain the beauty of the native riparian habitat along the Yellowstone River as well as the open space viewshed. No actions are proposed in the Management Plan that would detract from the natural beauty of this area.

No Action: There may be a small, short-term economic benefit through housing construction and real estate sales; however, the costs of providing services to rural residential developments typically far exceed this short-term economic return. Changes in ownership may result in changes to the natural areas.

e) Public Services, Taxes & Utilities:

Proposed Action: There would be no changes or need for increased public services in the property area. FWP would make payments to Richland County for fee title lands in lieu of property taxes that are assessed for this property.

No Action: Under the No Action alternative and future subdivision development, Richland County may receive increased tax revenues in exchange for increased public services to new residences.

f) Cultural & Historical Resources:

Proposed Action: A cultural resources report will be requested from the State Historic Preservation Office (SHPO) to determine if any known cultural resources exist on the site. Acquisition of this property, and the dispersed recreation that will result are not expected to significantly affect the type of cultural resources generally found in the region. Specific protection actions will be considered once a SHPO report is received. Any facility development will include consideration of surveying, protecting or mitigating cultural resources in the affected location.

No Action: There are no known cultural or historical resources in the area that could be affected by No Action.

VI. SECONDARY AND CUMULATIVE EFFECTS

The Proposed Action will have no cumulative effects on the physical and human environment. Over the long-term, the acquisition of this property, the increased access to public lands, and the protection of valuable fish and wildlife habitat portend significant positive effects for natural areas and public recreation. The loss of a potential subdivision and private recreation area would not significantly impact Richland County.

VII. NEED FOR AN ENVIRONMENTAL IMPACT STATEMENT (EIS)

Based on the above assessment, which has identified a very limited number of minor impacts from the Proposed Action, an EIS is not required. An Environmental Assessment (EA) is the appropriate level of review.

VIII. PUBLIC INVOLVEMENT

1) Public Involvement.

The public will be notified in the following manners to comment on this current EA, the proposed action and alternatives:

- Two public notices in each of these papers: *Sidney Herold, Ranger Review*;
- One statewide FWP press release;
- Direct mailing to adjacent landowners and interested parties;
- Public notice on the Fish, Wildlife & Parks web page: <http://fwp.mt.gov>.

Copies will be available for public review at FWP Region 7 Headquarters.

2) Duration of comment period.

The public comment period will extend for twenty (20) days following the publication of the legal notice in area newspapers. One public meeting will be held in Savage, MT, Thursday October 9th at 7:00 pm in the Savage High School Cafeteria. Interested parties and neighboring property owners will be provided a copy of the EA. Written comments will be accepted until 5:00 p.m., October 14, 2008 and can be mailed to the address below:

Hagler Ranch Acquisition
Montana Fish, Wildlife & Parks
Region 7 Headquarters
P.O. Box 1630
Miles City, MT 59301

Or email comments to: jensign@mt.gov

3) Contributing Offices

Montana Fish, Wildlife & Parks:

Wildlife, Enforcement, Parks and Fisheries Divisions, Lands Bureau and Legal Bureau.

IX. EA PREPARATION

John Ensign, FWP Region 7 Wildlife Program Manager, (406) 234-0921 or jensign@mt.gov
Howard Burt, FWP Wildlife Biologist, (406) 377-4556, hburt@mt.gov

X. LITERATURE CITED

Montana's Comprehensive Fish and Wildlife Conservation Strategy, Executive Summary, 2005.
Montana Fish, Wildlife & Parks, 1420 East Sixth Avenue, Helena, MT 59620.

HAGLER RANCH ACQUISITION

PROPOSED MANAGEMENT PLAN

AUGUST, 2008



***Montana Fish,
Wildlife & Parks***

REGION 7 HABITAT MONTANA PROPOSED LAND PROJECT

Introduction:

Montana Fish, Wildlife & Parks (FWP) proposes the acquisition of 165 acres of important wildlife habitat along the Yellowstone River. The property is located on the west side of the Yellowstone River and includes riparian/cropland river bottom habitats. This Proposed Management Plan will provide an overview of the proposed project, a summary of the fish and wildlife resources residing in the area, and a description of the purpose, objectives, and management strategies that will be used to meet initial conservation objectives. As this is a 'proposed' property acquisition, detailed management objectives and strategies will be identified and incorporated in the event that the Proposed Action is achieved. It is intended that this Plan be periodically updated to ensure that project continues to fulfill the identified purpose(s).

Statement of Purpose:

This property would be managed primarily as a *Wildlife Management Area* (WMA) to protect fish and wildlife resources and to provide public access to this property and the Yellowstone River, including two large mostly publicly owned islands. A Fishing Access Site (FAS) will be developed on the property.

Property Location:

The property consists of 165 acres on the west side of the Yellowstone River. It offers about ¼ miles of Yellowstone River frontage along its eastern border. The ranch is bordered on the west and south by Elk Island WMA. The ranch is bordered on the north by other private lands and on the east by the Yellowstone River. The property is accessible by county road on the west end. Legal Description: Deeded - T20N R58E M.P.M. Sections 22, 23, 26 and 27: Containing portions of Tract 1 and Tract 2, COS 27-770 (to be surveyed) consisting of 165 acres, more or less.

Improvements: There are no buildings on the property and very little development. Any additional significant developments beyond existing roads, parking areas, signage and basic sanitary facilities (such as pit latrines) will be considered in subsequent Environment Assessments (EA).

Resource Values:

The property provides year round habitat for a variety of native species of neotropical migratory birds, endemic songbirds, a host of small mammals, and bats. The Yellowstone River provides important habitat for migratory wetland birds during the summer reproductive season and annual migration. American kestrels, northern harriers, red-tailed hawks, Swainson's hawks, and common nighthawks are common. Belted kingfishers, American white pelicans and great blue herons are also found along the Yellowstone River. Two active bald eagle nests are located along the Yellowstone

River within 2 miles of the property and winter use is common. The Hagler property provides habitat for at least 100 white-tailed deer, abundant pheasants, and 20-30 wild turkeys. Wood ducks nest in the area, and the oxbow lake on the property provides brood rearing and roosting areas for ducks and geese.

Riparian and wetland communities support the highest concentration of plants and animals in Montana. The lower Yellowstone River and its associated wetland/riparian and cropland complex are highly diverse and productive wildlife habitats with documented use of at least 127 vertebrate species. The pallid sturgeon, a federally listed species, has been observed along with 12 Species of Concern and 11 Tier 1 species listed in the Comprehensive Strategy as species in greatest need of conservation. In Montana, riparian habitats provide breeding and nesting areas for at least 134 (55%) of Montana's 245 species of breeding birds, as well as much-needed food and resting areas for migrating birds (J. Ellis, Montana Audubon, 2008).

Irrigated land in the river bottom totals about 70 acres. The ability to manage these acres to maximize high quality food production and/or nesting cover is an important addition to the habitat diversity on this property.

GOAL: The management goal of the proposed Hagler Ranch acquisition will be to conserve the native vegetation of the area and the riparian areas along the Yellowstone River to:

- Maintain or enhance plant and animal species diversity of the project area
- Enhance public hunting and fishing opportunities in the area
- Enhance other public outdoor recreational opportunities

MANAGEMENT STRATEGIES:

Objective 1: Protect, maintain, and enhance native riparian habitat and biodiversity within the project area.

Issue: Little information is available on the plant and animal resources on the property

Strategies:

- a) Obtain appropriate baseline data for the property.

FWP would collect information needed for management and to assess management activities, including topographic and soils maps, aerial photos, distribution and abundance of Plant and Animal Species of Concern, and distribution and abundance of game wildlife and fish in the property area.

- b) Assess and implement noxious weed management

FWP would identify noxious weed infestations on the property. Currently, stands of leafy spurge are known in the riparian areas. Following this assessment, FWP

would incorporate this property into the existing weed management plan for Elk Island WMA and implement control and eradication as soon as practical. Weed management will involve using techniques that will have minimal impacts to fish and wildlife habitat.

c) Identify any habitat improvement projects that might be needed

FWP will assess the riparian/cropland habitat complex and identify any potential habitat improvement projects that may be necessary to maximize fish and wildlife habitat on the property.

Objective 2: Manage the existing 70 acres of irrigated farmland to maximize high quality wildlife food production and/or nesting cover.

Issue: Irrigated croplands exist on the property.

Strategies:

- a) Establish food plots for big game animals and upland game birds.
- b) Establish nesting/brood-rearing cover for upland game birds.

Objective 3: Provide compatible public recreational use of the property while ensuring conservation of important habitat values.

Issue: This property has the potential to make available 165 acres for public outdoor recreation and access to the Yellowstone River and two large, mostly publicly owned islands. Conservation of the habitat will require some level of public use management.

Strategies:

- a) Ensure that all users (consumptive and non-consumptive) have adequate opportunity to enjoy these public lands.
- b) Public access would be allowed year-round.
- c) Hunting, hiking, biking, birding, fishing, agate picking, and other recreational activities will be allowed without limits on numbers.
- d) Motorized access would be permitted only on designated roads.
- e) Hunting for legal game during FWP Commission authorized seasons will be permitted. During hunting seasons, access off of designated roads will be by foot only.
- f) Fishing following current fishing regulations will be allowed.
- g) Pets must be leashed at all times, with the exception of trained dogs used for bird hunting. At all times, dogs must be under the control of the owner.

- h) Property boundaries will be designated to minimize trespass on to adjacent private land.
- i) Firewood cutting will not be allowed.
- j) No commercial activities of any kind will be allowed.
- k) Ensure that adequate information is available to the public on all area use activities.

These lands would be managed for public use by regulating the level and type of access, level and type of facilities, and by implementing the standard FWP recreational use regulations (ARM 12.8.101-12.8.213), the FWP Commercial Use Rule (ARM 12.14.101-12.14.170), and any special regulations developed for this property. Any additional significant development beyond existing roads, parking areas, signage and basic sanitary facilities (e.g. pit latrines) would be considered in subsequent EAs and an updated Management Plan. Permits will be required for scientific research and projects involving handling wildlife.

Issue: Dispersal of game animals onto neighboring landowners

Strategies:

- a) There should be no game damage problems on this property if it is owned by a public agency (here, FWP).
- b) The irrigated river bottom food/cover plots will help hold animals on the property and minimize potential problems with adjoining landowners.
- c) Public hunting will help keep animal populations at reasonable levels.
- d) FWP will work with neighbors who qualify for game damage assistance with any potential wildlife game damage issues.

OPERATIONS AND MAINTENANCE

Fee-title lands that would be acquired by FWP would be managed as an FWP Wildlife Management Area. FWP would pay annual management costs of the proposed acquisition when managed as Wildlife Management Area.

MONITORING

Lands acquired will be incorporated into the Elk Island WMA. Elk Island WMA Management Plan and associated annual work plans will be revised and updated to address and reflect these new lands. The Work Plan will identify strategies in the Management Plan and develop projects that will address the stated objectives.